

Albany Law Review

**VOLUME 43
1978-1979**

**ALBANY LAW SCHOOL
UNION UNIVERSITY
Albany, New York**

Copyright © 1978, 1979
Albany Law School

Albany Law Review

Volume 43

1979-1980

EDITORIAL BOARD

JAMES J. CLARK
Editor-in-Chief

ROBERT L. DAILEADER, JR.
Managing Editor

THOMAS N. O'CONNOR
Articles Editor

GREGORY G. HARRIS
Executive Editor

MICHAEL BARABANDER
AMY J. BEECH
JERROLD S. BROWN
DOUGLAS A. FOSS
ANN GOLDSTEIN
MICHAEL A. HOWARD

ELIZABETH S. WALLER
Articles Editor

JEFFREY A. WOLPE
Executive Editor

PETER G. KLEIN
VINCENT J. NOFI
F. DOUGLAS NOVOTNY
PAMELA PALAT
ANN PURDUE
EDWARD C. SOBOTA

MARK B. WHEELER
Note & Comment Editors

MEMBERS

CARLA AMUSSEN
SUSAN C. ANTOS
JEANINE KIRCHER ARDEN
MARTIN J. BARRINGTON
CHRISTINE A. BARTLETT
JEFFREY H. BOWEN
SHELDON W. BOYCE, JR.
JAMES J. CANFIELD
ABIGAIL F. COUSINS
DEBORAH D. DAVIS
DENISE DIEHL
RICHARD A. DOLLINGER
JOHN G. DOWD
PHYLLIS A. ERIKSON
ROBERT S. FISCHLER
KEVIN P. FOGARTY
GREGORY J. GETZ
PAUL R. HOFFMANN
MEGAN A. HUDDLESTON
JAMES THOMAS IANNACONE
CYNTHIA A. JORGENSEN
THOMAS D. KELEHER

LESLIE W. KERNAN, JR.
JOSEPH S. KOURY
ANDREA L. LOSHIN
RICHARD J. MCCARTHY, JR.
JANET A. MEUNIER
JONATHAN W. MILLER
EILEEN P. MOONEY
ELLEN F. MURRAY
MARK DAVID OETTINGER
BRENDAN C. O'SHEA
LUCY H. PANTALEONI
PETER A. PASTORE
JAMES T. POTTER
EUGENE J. RIZZO
JOSEPH W. RUSSELL
MARGARET R. SCHERER
LARRY SCHIFFER
BARBARA ROTTIER SHULTZ
JOHN R. SISE
GILBERT G. SPENCER, JR.
MARK T. WALSH, JR.
SCOTT A. WEISMAN

RONALD J. WEISS

JENNIE CARPINELLO
Secretary

BERNARD E. HARVITH
Faculty Advisor

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS EXECUTIVE COMMITTEE, 1978-1980.

TABLE OF CONTENTS—VOLUME 43

ARTICLES	PAGE
AMERICAN GOVERNMENTAL RESPONSIBILITY FOR THE ENVIRONMENTAL EFFECTS OF ACTIONS ABROAD. <i>Nicholas C. Yost</i>	528
THE ENVIRONMENT: NO RESPECTER OF NATIONAL BOUNDARIES. <i>W. J. Coppoc</i>	520
HACKING A PATH THROUGH THE NEW YORK STATE MORTGAGE TAX JUNGLE. <i>Joel E. Miller</i>	37
INTERMEDIATE TIER ANALYSIS OF SEX DISCRIMINATION CASES: LEGAL PERPETUATION OF TRADITIONAL MYTHS. <i>Karen A. Emden</i>	73
<i>Kimbell-Diamond</i> REVISITED: A CRITIQUE OF JUDICIAL ANALYSIS OF THE EXCLUSIVITY OF SECTION 334 (b) (2). <i>Harold Dubroff and Robert L. Daileader, Jr.</i>	739
IS NEPA EXPORTABLE? <i>Charles N. Brower</i>	513
A SEPARATE CAUSE OF ACTION FOR LOSS OF CONSORTIUM IN DEATH CASES: EXORCISING GHOSTS OF THE PAST. <i>S. Mac Gutman</i>	1
UNITED NATIONS EFFORTS TOWARD THE DEVELOPMENT OF AN ENVIRONMENTAL CODE OF CONDUCT FOR STATES CONCERNING HARMONIOUS UTILIZATION OF SHARED NATURAL RESOURCES. <i>A. O. Adede</i>	488
IN THE WAKE OF HELLERSTEIN: WHITHER NEW YORK? <i>Robert L. Beebe and Richard J. Sinnott</i>	
PART I	203
PART II	411
PART III	777
COMMENTS	
EDUCATING NEW YORK'S HANDICAPPED CHILDREN	95
FRESHWATER WETLANDS ACT: PERMISSIVE REGULATION VS. CONSTRUCTIVE TAKING	295
THE <i>Smith</i> AND <i>Horowitz</i> DECISIONS: THE CONTINUING DEVITALIZATION OF THE LIBERTY CONCEPT	863

NOTES

ADDRESSING THE CONSENT ISSUE IN THE STERILIZATION OF MENTALLY INCOMPETENT FEMALES	322
ANTI-PROSTITUTION LAWS: NEW CONFLICTS IN THE FIGHT AGAINST THE WORLD'S OLDEST PROFESSION	360
THE AVAILABILITY OF BENEFIT OF THE BARGAIN DAMAGES IN A FRAUD ACTION UNDER SECTION 2-721 OF THE UNIFORM COMMERCIAL CODE	930
CLIFFORD TRUSTS: A NEW VIEW TOWARDS LEASEBACK DEDUCTIONS	585
CONDITIONAL RECEIPTS: NEW YORK PRECEDENT AND THE POTENTIAL FOR CHANGE	645
THE CONSTITUTIONALITY OF NEW YORK'S GARAGEMAN'S LIEN: A "FLEXIBLE" STATE ACTION CONCEPT UNDER THE STATE DUE PROCESS CLAUSE	121
COUNTERVAILING AND NONEXCESSIVE REBATES: <i>Zenith Radio Corp.</i> <i>v. United States</i>	617
<i>Donohue v. Copiague Union Free School District</i> : NEW YORK CHOOSES NOT TO RECOGNIZE "EDUCATIONAL MALPRACTICE" ...	339
<i>Group House of Port Washington v. Board of Zoning and Appeals</i> : ENCROACHMENT OF COMMUNITY RESIDENCES INTO SINGLE- FAMILY DISTRICTS	539
INEVITABLE DISCOVERY IN NEW YORK: FURTHER LIMITATION OF THE EXCLUSIONARY RULE	145
NEWSPERSON'S PRIVILEGE AND THE NEW YORK STATE SHIELD LAW: A PROPOSAL	918
THE NEW YORK CORPORATE FINANCE PROVISIONS: SOME PROBLEM AREAS AND A NEED FOR REFORM	903
NEW YORK'S LEGISLATIVE RESPONSE TO <i>Abood v. Detroit Board</i> <i>of Education</i> : AGENCY SHOP AND PUBLIC EMPLOYEES' RIGHTS TO FREEDOM OF ASSOCIATION	567
NEW YORK'S SEARCH FOR AN EFFECTIVE IMPLIED WARRANTY OF HABITABILITY IN RESIDENTIAL LEASES	661
PRODUCT LIABILITY REFORM PROPOSALS: THE STATE OF THE ART DEFENSE	941
<i>Reiter v. Sonotone Corp.</i> : CONSUMER STANDING TO SUE UNDER SECTION 4 OF THE CLAYTON ACT	690

STATE MONETARY ACCOUNTABILITY FOR CIVIL VIOLATIONS: RECONCILING THE ELEVENTH AND FOURTEENTH AMENDMENTS	708
THE SUPERVISORY STATUS OF PRIVATE UNIVERSITY FACULTY MEMBERS UNDER THE NLRB: <i>NLRB v. Yeshiva University</i>	162
<i>United States v. Scott</i> : GOVERNMENT APPEALS OF MIDTRIAL DISMISSALS GRANTED ON DEFENDANT'S MOTION	596
RECENT DEVELOPMENTS	
<i>Corey L. v. Martin L.</i> : INVOLUNTARY TERMINATION OF PARENTAL RIGHTS UNDER NEW YORK'S "ABANDONMENT" CONCEPT	189
NEW YORK'S NEGLECTED CLASS ACTION STATUTE: <i>Rosenfeld v. A. H. Robins Co.</i>	388
<i>Northrup v. Northrup</i> : TERMINATION OF ALIMONY UNDER SECTION 248 OF NEW YORK'S DOMESTIC RELATIONS LAW	967

INDEX-DIGEST

	PAGE		PAGE
ADMINISTRATIVE LAW		CHOICE OF LAW	
Generally		Use of U.C.C. remedies in common law fraud action . . .	930-40
Effect of circular letters of New York State Insurance Department	652	CIVIL RIGHTS	
New York's Public Employment Relations Board	579	Employment Discrimination	
NLRB's application of NLRA to university faculty members	167-68	Sex discrimination in employment	81-85
NEPA		Freedoms of Speech & Press	
Administrative experience in implementing NEPA	530-36	Protection of reporter's confidential sources	918-29
NEPA's application abroad	513-19	Generally	
Procedure		Civil rights violations — 28 U.S.C. § 1983 violations	708-38
New York procedure for regulating freshwater wetlands	295-321	Privacy	
Procedure for assessing real property taxes	203-93, 412-86, 777-860	Fundamental rights and equal protection	85-89
State tax commission's role in mortgage tax procedure	37-72	Incompetents' rights and equal protection	322-28
Treasury Department's pro- cedure in determining countervailing duties	634-44	Right of union employees to disassociate with the union	567-84
ANTITRUST		Sex-Based Discrimination	
Consumer standing to sue under § 4 of the Clayton Act	690-707	Intermediate tier analysis of sex discrimination	73-93
BURDEN OF PROOF		CLASS ACTIONS	
Very high degree of probability must be shown for inevitable discovery	155-58	Consumers as a class suing under federal rule 23	690-707
Burden of proving parent's abandonment of child	200	Products liability and the class action in New York	388-409
Burden of proving proximate cause in "educational mal- practice"	354	COMMERCIAL LAW	
BUSINESS		U.C.C.	
Use of the leaseback device in Clifford Trusts	385-95	The availability of benefit of the bargain damages in a fraud action under the U.C.C.	930-40
Effect of rebates on the American business com- munity	617-44	Constitutionality of creditor remedy statutes	121-44
New York's corporate finance provisions	903-17	Extension of § 2-302 to insurance contracts	645-60
		COMMON LAW & HISTORICAL BACKGROUND	
		Historical development of state regulation of education	343-68
		History of class actions	389-93
		History of implied warranty of habitability	662-64
		History of the liberty concept of the due process clause	863-901

	PAGE		PAGE
History of rule limiting right to consortium damages	2-17	Just Compensation Clause	
History of the state of the art defense in products liability	941-66	Regulation of freshwater wetlands as taking without just compensation	303-21
Legislative history of Sherman & Clayton Acts	691-97	Personal Rights	
CONSTITUTIONAL LAW		Fundamental rights and equal protection	85-89
Criminal Procedure		Incompetents' right to sterilization	322-38
Double jeopardy clause protection of defendant's rights	597-604	Right to a hearing in academic dismissals	863-901
Due Process		Relationship Between State & Federal Governments	
Creditor remedy statutes violating due process	136-39	Congressional power to strip states of eleventh amendment protection	715-24
Denial of due process in educational context	356	States free to interpret their own constitutions	138-40
Devalization of the liberty concept	863-901	Search & Seizure	
History of the due process clause	136-38	Exclusionary rule and inevitable discovery exceptions in New York	145-61
Overbreadth of anti-prostitution statutes	379-82	State Action	
Single-family zoning ordinance as a due process violation	554-62	Flexible state action under the state due process clause	121-44
Vagueness in anti-prostitution laws	363-73	Hart-Scott-Rodino Antitrust Improvements Act of 1976	698-99, 704-06
Equal Protection		Parens patriae and police powers of state in regulating education	343-48
Denial of equal protection in educational context	355-56	Parens patriae power of state for authorization of sterilization	328-30
Intermediate tier analysis of sex discrimination	73-93	CONTRACTS	
Overbreadth of anti-prostitution statutes	382-85	Ambiguity, unconscionability and reasonable expectations in insurance contracts	645-60
Single-family zoning ordinance as a violation of equal protection	562-64	Implied contract of educators to teach students	357
Eleventh Amendment		New York Plain English Law	659
Liability of state and local governments for civil rights violations	708-38	CORPORATIONS	
First Amendment		New York's Corporate Finance Provisions	903-17
Protection of reporter's confidential sources	918-29	CRIMINAL LAW	
Right of union employees to disassociate with the Union	567-84	Anti-prostitution provisions	360-87
Fourteenth Amendment		Difference between midtrial dismissals and mistrials	604-07
Implying a direct cause of action under the fourteenth amendment	724-30	Double jeopardy clause pro-	
Liability of a state for violation of fourteenth amendment	708-30		

	PAGE
tection of defendant's rights	596-616
Government appeals of midtrial dismissals granted on defendant's motion	596-616
Inevitable discovery in New York	145-61
Probable cause for arrest under anti-prostitution laws	373-77
Reporter's privilege of confidentiality in criminal proceedings	918-29

DAMAGES

The availability of benefit of the bargain damages in a fraud action under the U.C.C.	930
The damage remedy provision of the Clayton Act	690-707
Damages allowable for "educational malpractice"	355
No right to damages for loss of consortium in death cases	1-36

ECONOMICS

Economic effects of consumer class actions	705-07
Economics involved in countervailing and rebates	617-44
Economics involved in preventing environmental violations	520-27

EDUCATION

Cause of action for "educational malpractice"	339-59
Education of handicapped children	95-120
Right to a hearing in academic dismissals	863-901
Supervisory status of private university faculty members under the NLRA	162-88

EMINENT DOMAIN

Inverse condemnation under Freshwater Wetlands Act.	312-16
--	--------

EMPLOYMENT

Sex discrimination in employment	81-85
--	-------

ENVIRONMENTAL LAW

American governmental responsibility for the environmental effects of actions abroad	528-37
Freshwater wetlands regulation	295-321
Impact of environmental actions on other nations	520-27
NEPA's applicability abroad	515-19
Sharing of natural resources between nations	488-512

FAMILY & DOMESTIC RELATIONS LAW

Community residence constituting a family	543-48
Consent issue in sterilization of mentally incompetent females	322-38
Education of handicapped children	95-120
"Flicker of interest" test	195-97
Foster parent's interest in removal of foster children ..	967
Involuntary termination of parental rights	189-201
Loss of consortium	1-36
Termination of alimony	967-78

FEDERALISM

New York more liberal than federal courts in finding state action	121-44
---	--------

INSURANCE

Conditional receipts in New York	645-60
--	--------

INTERNATIONAL LAW

Ability of the United States to impose domestic environmental policies on other nations	513-19
American governmental responsibility for the environmental effects of actions abroad	528-37
Effect of American countervailing on foreign trade ..	617-44
United Nations efforts toward development of an environ-	

	PAGE		PAGE
mental code of conduct for states concerning harmonious utilization of shared natural resources	488-512	fidentiality in criminal proceedings	918-29
JURISDICTION		PROPERTY	
Jurisdiction under the NLRA	162-88	Constitutionality of New York's property assessment procedure	208-13
Liability of state and local governments for civil rights violations	708-38	Meaning of "property" in § 4 of the Clayton Act	690-707
JUVENILE COURTS		Landlord-tenant: implied war- ranty of habitability	661-89
Court's role in termination of parental rights	189-201	Property designated as fresh- water wetlands subject to state regulation	295-301
LABOR LAW		Property subject to New York State mortgage tax	37-72
Agency shop in the public sector	567-84	Statutes governing the land- lord-tenant relationship in New York	672-75
Supervisory status of private university faculty members under the NLRA	162-88	SCHOOLS	
LAND USE		Duty to educate	339-59
Community residences in single- family districts	539-66	Supervisory status of private university faculty members under the N.L.R.A.	162-88
Property taxation according to use of land	203-93, 412-86, 777-860	STANDING TO SUE	
Uses permitted under New York Freshwater Wetlands Act	295-321	Consumer standing to sue under § 4 of the Clayton Act	690-707
LEGAL MEDICINE		STATUTES	
Liability for the defective design of an intrauterine device	388-407	Alimony provisions in New York	903-17
Parents substituting consent for minor's medical treat- ment	326-28	Constitutionality of creditor remedy statutes	121-44
MINORS' RIGHTS		Construction of the Clifford Trust sections of the I.R.C.	585-95
Child's interest in termination of parental rights	189-201	Construction of corporate liquidation provisions	777-860
Education of handicapped children	95-120	Construction of NEPA's appli- cability abroad	513-19
Foster parent's interest in removal of foster children ..	967	Construction of real property tax statutes	203-93, 412-86, 930-40
Parents substituting consent for minor's medical treat- ment	326-28	Construction of § 2-721 of the U.C.C.	903-17
PRIVILEGED COMMUNICATIONS		Consumer standing to sue under § 4 of the Clayton Act	690-707
Reporter's privilege of con-		Countervailing Duty statute as applied to rebates	617-44

	PAGE		PAGE
Drafter's intent concerning § 2-302 of the U.C.C.	654	complete liquidation of sub- sidiaries	739-76
Federal Education for All Handicapped Children Act of 1975	105-07	Preferences in liquidation ..	777-860
Implied warranty of habita- bility under § 235(b) of the New York Real Property Law	661-89	TAXATION	
Interpretation of "professional employees" and "supervisors" under the NLRA	142-88	Application of New York State mortgage tax	37-72
NEPA's implementation by government agencies	530-36	Basis of assets received by parent corporations upon com- plete liquidation of sub- sidiaries	941-66
New York's corporate finance provisions	777-860	Leaseback deductions under Clifford Trusts	585-95
New York Freshwater Wet- lands Acts	295-321	Taxation of real property ...	203-93, 412-86, 770-860
New York laws dealing with education of the handi- capped	95-120	TORTS	
New York's neglected class action statute	360-87	Misfeasance/nonfeasance dis- tinction in negligence	351-53
New York's public employment collective bargaining law — the Taylor Law	569	Negligence cause of action in context of education	339-59
State preemption of local zon- ing law	548-54	No right to damages for loss of consortium in death cases	1-36
Statutes affecting right of sterilization of incompetent females	330-38	Products liability and the class action	388-409
Statutes based on gender classifications	89-92	Products liability and the state of the art defense	941-65
Statutory construction of ju- dicial role in construction of tax laws	941-66	Strict liability of the landlord	683-89
Statutory proposals in products liability	739-76	TRADE REGULATION	
Tax law in New York as applied to mortgage tax	37-72	Consumer standing to sue under § 4 of the Clayton Act	690-707
Uniform Residential Landlord and Tenant Law	675-83	Treasury regulation of counter- vailing duties	617-44
Wrongful death statute con- strued for loss of con- sortium	31-36	WITNESSES	
STOCK & STOCKHOLDERS		Difference in live witness testi- mony under the exclusionary rule	160
Basis of assets received by parent corporations upon		ZONING	
		Community residences in single-family districts	539-66
		Zoning limitations placed on freshwater wetlands	296-303

TABLE OF CASES

PAGE		PAGE	
Abood v. Detroit Board of Educ. . .	567	Brown v. Board of Educ.	733
Adelphi Univ.	166	Brown v. Pasternak	687
A.L. v. G.R.H.	327	Brunswick Corp. v. Pueblo	
Allied Stores of Ohio, Inc. v.		Bowl-O-Mat Inc.	702
Bowers	835	Buck v. Bell	333
American Potash & Chem. Corp. v.		Burns v. Butscher	454
United States	746		
Anderson v. Metropolitan Life		Califano v. Goldfarb	90
Ins. Co.	655	Califano v. Webster	89
Ankus v. Tax Assessor	452	Camp Phosphate Co. v. Allen	446
Apache County v. Atchison, Topeka		Carey v. Piphus	898
& Santa Fe Ry.	271	Carey v. Population Servs. Int'l . .	88
Appeal of Kleks	417	Carr v. Assessors of Springfield . .	469
Arizona v. Washington	603	Carroll v. Alsup	247
Atlantic Richfield Co. v. Warren		Chattanooga Foundry & Pipe	
Independent School Dist.	826	Works v. City of Atlanta	697
Avery v. Cooper	818	Cheshire v. County Comm'rs	468
		Chicago & Alton R.R. v. Board of	
Baker v. Bolton	4	Supervisors	788
Banner Land Co. v. State Tax		Chicago & North Western Ry v.	
Comm'n	56	Board of Supervisors	788
Basso v. Miller	687	Chicago, Burlington & Quincy R.R.	
Beck v. Ohio	376	v. Department of Revenue	797
Beggrow v. Attkisson	454	Chilton v. Shaw	830
Bennett v. Bennett	17	Chisolm v. Georgia	710
Bennett v. Board of Assessors . . .	474	C.H.O.B. Ass'n v. Board of	
Bennett v. Jeffreys	198	Assessors	209
Bettigole v. Assessors of		Citizens Nat'l Bank v. State Tax	
Springfield	470	Comm'n	62
Bishop v. Wood	867	City of Columbus v. Delong	377
Bivens v. Six Unknown Federal		City of El Paso v. Houze	818
Narcotics Agents	725	City of Houston v. Baker	826
Blye v. Globe — Wernicke Realty		City of Kenosha v. Bruno	727
Co.	143	City of Lowell v. County Comm'rs..	468
Board of Assessors v. Shop —		City of Seattle v. Jones	367
Lease Co.	476	City of White Plains v. Ferraioli . .	544
Board of Curators v. Horowitz . . .	863	Coan v. Board of Assessors	473
Board of Pub. Instruction v.		Commissioner v. Ashland Oil &	
Hilliard	460	Ref. Co.	741
Board of Regents v. Roth	875	Committee for the Preservation of	
Board of Supervisors v. Chicago,		Fresh Meadows, Inc. v. Fresh	
Burlington & Quincy R.R.	787	Meadows Assocs.	671
Boswell v. Howell	264	Contento v. Albany Medical	
Branzburg v. Hayes	919	Center Hosp.	684
Brecciaroli v. Connecticut Comm'r		Corey L. v. Martin L.	189
of Environmental Protection . . .	310	Cosen Inv. Co. v. Overstreet	450
Broadrick v. Oklahoma	380	County of Sacramento v. Hickman . .	217
Broadview Lumber Co. v. United		Craig v. Boren	90
States	749	C. W. Post Center of Long Island	
Brodsky v. Murphy	70	Univ.	165

	PAGE		PAGE
Dade County v. Dupont Plaza, Inc.	458	General Elec. Co. v. Gilbert	83
Dan v. Simonetti	924	Gerstein v. Pugh	374
Deaton Truck Line, Inc. v. NLRB	179	Glynn v. McNayr	450
Department of Revenue v. Bell	459	Goldberg v. Kelly	877
Department of Revenue v. Oldham County	438	Goldfarb v. Virginia State Bar	702
Diamond v. Mutual Life Ins. Co.	655	Goldman v. Cohen	20
Dickinson v. Geraci	459	Goldnor v. Doknovitch	667
Dinitz v. Christensen	366	Goss v. Lopez	869
Dixon v. Alabama Board of Educ.	879	Grayned v. City of Rockford	368
Doe v. Bolton	87	Green v. Hudson River R.R.	2
Donohue v. Copiague Union Free School Dist.	339	Green v. United States	599
Downs v. United States	626	Green v. Walter	453
Dulton Realty, Inc. v. State	283	Greenhill v. Bailey	867
Edelman v. Jordan	715	Group House of Port Washington v. Board of Zoning & Appeals	539
E. Ingraham Co. v. Town & City of Bristol	228	G.S. Nicholas & Co. v. United States	627
Ellis v. Di Chiara	684	Guth Realty v. Gingold	469
Eminence Distillery Co. v. Henry County Bd. of Supervisors	433	Guy v. Livesey	28
Empire Realty Co. v. Tax Assess- ment Comm's for Metropolitan Toronto	844	Haman v. County of Humbolt	219
Engelke v. Schlenker	821	Hamilton v. Adkins	259
Engle v. Talarico	210	Hamm v. State	280
Erath v. Prudential Ins. Co. of America	652	Hanks v. State Bd. of Equalization	216
<i>Ex parte</i> Young	714	Hans v. Louisiana	712
Fayette County Bd. of Educ. v. White	437	Hart v. Brown	327
First Fiscal Fund Corp. v. State Tax Comm'n	66	Harvey v. Parks	823
First Nat'l Stores, Inc. v. Board of Assessors	475	Hawaii v. Standard Oil Co.	698
Fitzpatrick v. Bitzer	716	Hellerstein v. Assessor of Islip	204
Fitzgerald v. Quann	27	Hernandez v. European Auto Collision, Inc.	136
Flagg Bros. v. Brooks	1	Hettler Lumber Co. v. Cook County	791
Florida Southern College	172	Hewlett-Packard Co. v. County of Santa Clara	219
Food Corp. v. Consolidated Edison Co.	405	Higgins v. Butcher	5
Ford v. Monroe	10	Hillsborough Township v. Crom- well	234
Fran—Robert Ltd. v. Ottawa	843	Hodge v. Queen	839
Frontiero v. Richardson	78	Hoffman v. Board of Educ.	351
Fuentes v. Shevin	121-22	Holmes v. Powers	327
GAF Corp. v. Circle Floor Co.	699	Home Mortgage Inv. Co. v. State Bd. of Tax Comm'rs	54-55
Galloway v. Watson	420	Honolulu Rapid Transit Co. v. Wilder	834
Garza Land & Cattle Co. v. Redwine Independent School Dist.	824	Hornbeak v. Hamm	261
Gaudette v. Webb	30	Hulbert v. People <i>ex rel.</i> Raymond	790
Geduldig v. Aiello	81	Hutto v. Finney	717
		Illinois Brick Co. v. Illinois	702
		Ingraham v. Wright	882
		<i>In re</i> Bauer Apartments	421
		<i>In re</i> Bistany	192
		<i>In re</i> D.D.	329

	PAGE		PAGE
<i>In re</i> Ed Guth Realty, Inc. v. Gingold	855	Lee v. United States	605
<i>In re</i> Ewa Plantation Co. & Waialue Agricultural Co.	831	Leibler v. Unionmutual Stock Life Ins. Co.	653
<i>In re</i> Hawaiian Land Co.	832	Lerner Shops of Conn., Inc. v. Town of Waterbury	230
<i>In re</i> Long Island Jewish-Hillside Medical Center	329	Leto v. Board of Assessors	472
<i>In re</i> Maxwell	192	Lewis v. Mosley	461
<i>In re</i> Onomea Sugar Co.	830	Lively v. Missouri, Ky. & Tenn. Ry.	819
<i>In re</i> Pacific Marine & Supply Co.	834	Louisville & Nashville R.R. v. Amos	447
<i>In re</i> Quinlan	326	Louisville & Nashville R.R. v. Public Serv. Comm'n	251
<i>In re</i> Sallmaier	329	Lucas v. New York Cent. R.R.	14
<i>In re</i> Simpson	330		
<i>In re</i> Susan W.	192	Maher v. Roe	85
<i>In re</i> Swain	830	M & M Woodworking Co. v. Chambers	424
<i>In re</i> Weberlist	326	Mathews v. Commissioner	586
International Ass'n of Machinists v. Street	571	Mathews v. Eldridge	865
Italian Tower Case	637	Mazzei v. Commissioner	774
ITT Community Dev. Corp. v. Seay	445	McCarthy v. James	264
Ives v. South Buffalo Ry.	138	McCracken Fiscal Court v. McFadden	436
		McGowan v. Maryland	77
Jefferson v. Hackney	77	McNayr v. Dupont Plaza Center, Inc.	454
Jewelers Bldg. Corp. v. State Tax Comm'n	44	Memphis Light, Gas & Water Div. v. Craft	900
Johnson v. Holland	821	Meyer v. Nebraska	874
Jones Lumber Co. v. Del Norte County	218	Michels v. Watson	216
Jordan Marsh Co. v. Board of Assessors	479	Miller v. Nunnelley	437
Just v. Marinette County	308	Millington v. Southeastern Elevator Co.	19
Juvenile Dep't of Multnomah County v. D.	382	Mitchell v. W. T. Grant Co.	122
		Mobile & Ohio R.R. v. Tax Comm'n	795
Kahn v. Shevin	79	Moch Co. v. Rensselaer Water Co.	348
Kanon v. Brookdale Hosp. Medical Center	405	Mofrad v. New York Life Ins. Co.	648
Kaplan v. Coulston	683	Monell v. Department of Social Servs.	720
Kekillas v. Saddy	670	Monroe v. Pape	719
Kimbell-Diamond Milling Co. v. Commissioner	743	Montmartre, Inc. v. McNayr	451
Kipsborough Realty Corp. v. Goldbetter	674	Moore v. Metropolitan Life Ins. Co.	393
Klein v. Doe	89	Moragne v. State Marine Lines, Inc.	1
Korzen v. Hutter	802	Morrissey v. Brewer	875
Kronenbitter v. Washburn Wire Co.	20	Movielab, Inc. v. Murphy	67
		Mt. Healthy City Bd. of Educ. v. Doyle	728
Lamb v. Bangart	938		
Lanier v. Bronson	461	Nardone v. United States	147
Lanzetta v. New Jersey	367	Nashville, Chattanooga & St. Louis Ry. v. Browning	248
La Salle Nat'l Bank v. Cook	802	Nashville Gas Co. v. Satty	83
Lathrop v. Donohue	572	National Woodwork Mfrs. Ass'n v. NLRB	704
Leavitt v. Waldemar Co.	62		

	PAGE		PAGE
Natural Resources Defense Council		People <i>ex rel.</i> Kutner v. Cullerton	802
v. Export-Import Bank of the		People <i>ex rel.</i> Lee v. Chicago &	
United States	517	E. Ill. R.R.	789
Nelson v. Meek	239	People <i>ex rel.</i> Nordlund v. S.B.A.	
New York Title & Mortgage Co. v.		Co.	800
State Tax Comm'n	58	People <i>ex rel.</i> Wangelin v. St. Louis	
NLRB v. Bell Aerospace Co.	174	Bridge Co.	794
NLRB v. General Motors Corp.	572	People <i>ex rel.</i> Wangelin v. Wiggins	
NLRB v. Metropolitan Life Ins.		Ferry Co.	793
Co.	181	Perry v. Sindermann	875
NLRB v. Scott Paper Co.	179	Perry v. Town of Samson	258
NLRB v. Yeshiva Univ.	162	Pfizer Inc. v. Government of India	700
North Ga. Finishing, Inc. v.		Pittsburgh Press Co. v. Pittsburgh	
Di-Chem, Inc.	122	Comm'n on Human Relations	380
Northrup v. Northrup	967	Planned Parenthood v. Danforth	87
		Poelker v. Doe	88
Oppenheim v. Kridel	29		
Osborn v. Gillett	14	Quern v. Jordan	723
Osborn v. Kelly	26	Quinlivan v. Commissioner	527
Pantalis v. Arches	669	Ragar v. T.J. Raney & Sons	699
Papachristou v. City of		Railway Employees Dep't v.	
Jacksonville	367	Hanson	570
Park Inv. Co. v. Board of Tax		Randall v. Bailey	908
Appeals	221	Ratka v. St. Frances Hosp.	29
Park Realty Co. v. Saxe	65	Ray v. Marine Midland Grace	
Park West Management Corp. v.		Trust	393
Mitchell	608	Red Lion Broadcasting Co. v. FCC	705
Paul v. Davis	879	Reed v. Reed	78
Penn Phillips Lands, Inc. v. State		Reiter v. Sonotone Corp.	690
Tax Comm'n	429	Renneke v. County of Brown	282
People v. Barker	138	Ritto v. Fink	575
People v. Dan	924	Rivera v. Trimarco	404
People v. Dentine	150	Robinson v. Cahill	237
People v. Fitzpatrick	151	Robinson v. California	372
People v. Gibson	366	Robinson v. Stewart	423
People v. Goodman	154	Roe v. Wade	86
People v. Grant	153	Roseburg Lumber Co. v. Chambers	425
People v. Green	153	Rosenfeld v. A.H. Robins Co.	388
People v. Isaacson	138	Rowland v. City of Tyler	824
People v. Mendez	150	Ruby v. Massey	327
People v. Payton	146	Russman v. Luckett	432
People v. Robinson	149		
People v. Rodriguez	148	Salter v. Dade County	457
People v. Scharfstein	149	Sanabria v. United States	614
People v. Sciacca	155	San Antonio Independent School	
People v. Smith	364	Dist. v. Rodriguez	86
People v. Steg	153	Sands Point Harbor, Inc. v.	
People v. Wolf	922	Sullivan	310
People <i>ex rel.</i> Bracher v. Millard	791	Schleman v. Connecticut Gen. Life	
People <i>ex rel.</i> Campe v. Board of		Ins. Co.	449
Review	790	Schlesinger v. Ballard	90
People <i>ex rel.</i> Hillison v. Chicago,		Schubert v. Schubert Wagon Co.	28
Burlington & Quincy R.R.	798	Seabrook v. Commuter Hous. Co.	654

PAGE		PAGE	
Security Properties v. Arizona		Tilley v. Hudson River R.R.	31
Dep't of Property Valuation	272	Tonetti v. Penati	664
Serbousek v. Commissioner	586	Town of Sudbury v. Commissioner	
Sharrock v. Dell Buick-Cadillac,		of Corps & Taxation	477
Inc.	121	Trustees of Boston Univ. v. NLRB	180
Shoppers' World, Inc. v. Board of		Tyson v. Lanier	462
Assessors	473		
Sibson v. State	309	Underwood v. Monte Asti Buick Co.	939
Sierra Club v. AEC	532	United States v. Ball	611
Sierra Club v. Coleman	532	United States v. Carolene Prods.	
Silverthorne Lumber Co. v. United		Co.	80
States	147	United States v. Ceccolini	160
Simkins v. City of Corsicana	823	United States v. Graf Distilling Co.	365
Sioux City Bridge Co. v. Dakota		United States v. Hariss	364
County	209	United States v. Jenkins	596
Skemp v. Commissioner	587	United States v. Martin Linen	
Skinner v. Oklahoma	333	Supply Co.	605
Smith v. Gogulh	368	United States v. Moses	379
Smith v. London	839	United States v. Perez	602
Smith v. Organization of Foster		United States v. Reese	365
Families for Equality & Reform	863	United States v. Scott	596
Sniadach v. Family Fin. Corp.	121	United States v. Wilson	604
Southern Pacific Co. v. Cochise		United States Title Guar. Co. v.	
County	267	State Tax Comm'n	54
Sparkman v McFarlin	330-31		
Spears v. Berle	316	Van Zandt v. Commissioner	592-93
Sproul v. Royal Palm Yacht & County		Ventura v. Consolidated Edison	
[sic] Club, Inc.	452	Co.	31
Squire v. Wilson	842	Vickers v. Home Fed. Sav. & Loan	
Stanton v. Stanton	79-91	Ass'n	406
State v. Alabama Power Co.	260		
State v. Armstrong	377	Wadhams & Co. v. State Tax	
State v. Birmingham Southern Ry.	257	Comm'n	422
State v. Houser	824	Walter v. Schuler	454
State v. Kennedy	264	Walters v. City of St. Louis	272
State v. Rella Verde Apartments,		Weinberger v. Weisenfeld	91
Inc.	273	Weissinger v. Boswell	264, 804
State v. Thayer	278	Wendell v. Lavin	210
State v. Whittenburg	825	Whitehouse Estates, Inc. v.	
State v. Willis	378	Thomson	720
Steitz v. City of Beacon	348	Wilderness Soc'y v. Morton	532
Strauss v. Long Island Sports	402	Williamsburgh Sav. Bank v. State	
Stone v. City of Springfield	470	Comm'n	58
Strunk v. Strunk	327	Williford v. California	720
Stump v. Sparkman	331	Wong-Sun v. United States	148
Suffolk County Fed. Sav. & Loan		Wood v. Strickland	878
Ass'n v. Bragalini	69	Woods v. Lancet	35
Supreme Inv. Corp. v. United		Wyatt v. Aderholt	329
States	768	Wyatt v. Stickney	325, 357
Sverdlow v. Bates	69		
Sweetwater v. Baird Dev. Co.	824	Z.D. Howard Co. v. Cartwright	938
Switz v. Township of Middletown	234	Zenith Radio Corp. v. United States	617

